IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Crl.MC.No. 4979 of 2003()

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CC.1213/1998 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR

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PETITIONER: (ACCUSED);

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T.M.BASHEER, AGED 30 YEARS,
S/O. MOHAMMED, THELAYIL HOUSE, NELLIKUZHY P.O.,
KOTHAMANGALAM.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS: (STATE & COMPLAINANT):

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
PERUMBAVOOR.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.R.UDAYABHANU, J**

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Crl.M.C.No.4979 of 2003

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Dated this the 4th day of October, 2007

**O R D E R**

The petitioner who is the accused in C.C.No.1213/98 in the court of Judicial First Class Magistrate, Perumbavoor (Crime No.425 of 1993 of Perumbavoor Police Station) has sought for setting aside the proceedings in the matter. He stands charge sheeted under Sections 465, 471 IPC and Section 12(1)(b) of the Passport Act.

2. The allegations are that he made an admission register extract using a false seal and incorporating incorrect information as his date of birth as 25.7.1970 instead of 20.5.1973 and also some of the other details. It is submitted that the above was done in order to obtain a passport at the earliest. He has pointed out that at the time he was aged around 20 years and that there was no necessity to show a previous birth date. It is also submitted that subsequently he was given a passport on a proper application and that he is working abroad. Annexure A1 is the above passport. Annexure

A2 is the Air ticket to Dammam. The above fact that he is working abroad and has obtained a fresh passport is not disputed. It is also submitted that he is not involved in any other criminal case. It is also pointed out that the matter is of the year 1993. Of course, I find that there is no grounds as such to quash the proceedings. All the same, in case the accused pleads guilty the court below shall consider the matter leniently so far as the sentence is concerned.

The Crl.M.C. is disposed of accordingly.

**K.R.UDAYABHANU,**
**JUDGE**

csl